

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

N/A

Provide a list of the responsible or trustee agencies for the project.

Santa Ana Regional Water Quality Control Board

Locust Warehouse Building

Mitigation Discussion

3.4. BIOLOGICAL RESOURCES

- a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The following mitigation measures apply to subsections a) of Section 4 of the Initial Study:

BIO-1: Nesting bird surveys should be conducted prior to any construction activities taking place during the nesting season to avoid potentially taking any birds or active nests. In general, impacts to all bird species (common and special status) can be avoided by conducting work outside of the nesting season (generally March 15th to September 15th), and conducting a worker awareness training. However, if all work cannot be conducted outside of the nesting season, a project-specific Nesting Bird Management Plan will be prepared to determine suitable buffers.

3.5. CULTURAL RESOURCES

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?
- b.) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c) Disturb any human remains, including those interred outside of formal cemeteries?

The following mitigation measures apply to subsections a) and b) of Section 5 of the Initial Study:

CR-1: An archaeological monitor shall be present for the initial clearing of the property and then periodically as determined by the project archaeologist. Notification to the City of Rialto shall be made by the Principal Investigator to inform the City of a modification to the monitoring program when field conditions require a change in monitoring status, including suspension of monitoring if it is determined that no further monitoring is needed

CR-2: In the event of an archaeological discovery, either historic or prehistoric, the archaeological monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to, digging, trenching, excavating, or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources. If the discovered resource is associated with the prehistoric Native American occupation of this area, a Native American representative from a local tribe should be contacted to review and participate in the evolution of the discovered resource. The monitor shall immediately notify the Principal Investigator (PI) of the discovery, and subsequently the property owner shall be notified of the discovery.

If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) to the lead agency to review and approve. Impacts to significant resources must be mitigated by the implementation of the ADRP before ground disturbing activities in the area of discovery will be allowed to resume. If the resource is not significant, the PI shall submit a letter to the County of San Bernardino indicating that artifacts will be collected, curated, and documented in the final monitoring report. The letter shall also indicate that no further work is required.

The following mitigation measures apply to subsections c) of Section 5 of the Initial Study:

CR-3: If human remains are discovered, work shall halt in that area until a determination can be made regarding the provenance of the human remains, and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98), and the State Health and Safety Code (Sec. 7050.5) shall be undertaken:

The archaeological monitor shall notify the PI and the PI shall notify the medical examiner after consultation with the lead agency, either in person or via telephone. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the medical examiner in consultation with the PI concerning the provenance of the remains. The medical examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance. If a field examination is not warranted, the medical examiner will determine, with input from the PI, if the remains are or are most likely to be of Native American origin. If human remains ARE determined to be Native American, the medical examiner will notify the NAHC within 24 hours. By law, only the medical examiner can make this call. The NAHC will immediately identify the person or persons determined to be the Most Likely

Descendent (MLD) and provide contact information. The MLD will contact the PI within 24 hours or sooner after the medical examiner has completed coordination to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources, and the State Health and Safety Code. The MLD will have 48 hours to make recommendations to the property owner or representative for the treatment or disposition with proper dignity of the human remains and associated grave goods. Disposition of Native American human remains will be determined between the MLD and the PI.

3.7. GEOLOGY AND SOILS:

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The following mitigation measure applies to subsection f) of Section 7 of the Initial Study:

GEO-1: In the event fossil specimens are unearthed, the Project Proponent shall have a paleontological consultant assess the specimens and report to the City of Rialto. If the consultant and City concur, a paleontological monitoring program shall be implemented for the remainder of earth moving activities.

3.13. NOISE:

- a) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

The following mitigation measure applies to subsection a) of Section 13 of the Initial Study:

N-1: Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.

N-2: Place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.

N-3: As applicable, shut off all equipment when not in use.

- N-4: Locate equipment staging in areas that create the greatest distance between construction-related noise/vibration sources and sensitive receptors located east of the project site.
- N-5: Direct away and shield jackhammers, pneumatic equipment, and all other portable stationary noise sources from existing residences east of the project site. Either one inch plywood or sound blankets can be utilized for this purpose. They should reach up from the ground and block the line of sight between equipment and the residences located to the east. The shielding should be without holes and cracks. Entryways should be located on the west side.
- N-6: Amplified music and/or voice will not be allowed on the project site.
- N-7: Haul truck deliveries will not occur outside of the hours presented as exempt for construction per City of Rialto Municipal Code Section 9.50.070.

The following mitigation measure applies to subsection a) of Section 13 of the Initial Study:

- N-8: Vibratory rollers, or other similar vibratory equipment will not be used within 15 feet of the existing industrial structure located north of the project site and large bulldozers will not be used within 8 feet of the existing industrial structure located north of the project site. If construction activity must occur within these distances, it will be performed with smaller equipment types that do not exceed the vibration thresholds applied herein.

3.18. TRIBAL CULTURAL RESOURCES:

- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of historical resources as defined in Public Resources Code section 5020.1(k)?
- b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in

subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?

The following mitigation measure applies to subsection a) and b) of Section 18 of the Initial Study:

TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities

A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.

C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.

D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.

E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

TCR-2: Unanticipated Discovery of Human Remains and Associated Funerary Objects

A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.

B. If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.

C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).

D. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)

E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or

the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance

TCR-3: Procedures for Burials and Funerary Remains

A. As the Most Likely Descendant (“MLD”), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.

B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.

C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.

D. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.

E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects.

F. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects,

sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains